

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 02/03/2011

THURSDAY, December 2, 2010, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Abraham and Commissioners: Collins, Harpootlian, and Partridge
Absent: Commissioner Clow

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; and Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR – none

3. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Harpootlian had spoken with a neighbor (Lands of Pearson); Commissioners Collins, Partridge, and Chairman Abraham had spoken with a neighbor, Nobuko Cleary (Lands of Pearson).

- 3.1 LANDS OF PEARSON, 26301 Silent Hills Lane; File #60-10-ZP-SD-GD; A request for a Site Development Permit for a 8,086 sq. ft. two-story new residence (maximum height: 31 feet), a 1,321 sq. ft. detached garage, and 1,929 sq. ft. swimming pool. The applicant is requesting a Grading Policy exception for cut of 14 feet and fill of five (5) feet. CONTINUED FROM THE SEPTEMBER 2, 2010 PLANNING COMMISSION MEETING. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report for the application continued from the September 2, 2010 Planning Commission meeting. Specific direction had been given at the September meeting to explore ownership of Silent Hills Lane, relative to the applicant's access and recommended pathways conditions. The City Attorney had concluded that the three property owners on Silent Hills Lane held ownership of the road to the centerline. The project site is currently undeveloped and bordered on three sides by Altamont Road, Altamont Lane, and Silent Hills Lane. An existing off-road pathway from Eshner Court ends at Silent Hills Lane. Recommendations from the Pathways Committee included: a ten foot easement dedication along Altamont Road with installation of a Type II B path; an easement dedication to the centerline of Silent Hills Lane to the intersection with Altamont Lane; and installation of a native path on Altamont Lane.

OPENED PUBLIC HEARING

Kurt Anderson, Architect, thought the main focus of the project was the pathways issue. The applicant had met numerous times with the neighbors (Cleary, Perrell, and Horton) and there was no support for a pathway easement on Silent Hills Lane. They favored allowing pedestrians to walk on the pavement of Silent Hills Lane and the pathway along Altamont Lane.

Mark Pearson, applicant, said he planned nice landscaping for the front of the house. A five foot easement with a native path would be aesthetically unpleasing and very muddy during the raining season. He felt that people would continue to walk on the pavement of Silent Hills Lane. The proposed native pathway along Altamont Lane would not be used.

Anne Duwe, Pathways Committee, reiterated the Pathways Committee's recommendation for an easement for a native pathway along the edge of the Pearson's property adjacent to Silent Hills Lane. An easement would legally establish the pathway and improve safety for people walking on Silent Hills Lane.

Nobuko Cleary, Silent Hills Lane, strongly opposed the pathway on Silent Hills Lane. She felt it would be a nuisance, impact her privacy, and diminish the view of the front of her property. She did not want horses, bicycles, or any increase in traffic on the road or the current pathways. She stated that Silent Hills Lane was a private road and that all three property owners objected to the pathway. There are currently pathways on the back of her property and to the side on the Perrell's property.

Gary Cleary, Silent Hills Lane, said that in the City Attorney's letter reviewing the responsibility for Silent Hills Lane, only Parcels 1 and 2 were listed. The property owner of Parcel 3 is also a responsible partner in the maintenance of the road. He wanted the fact recorded that all three parcels were included in the road maintenance agreement. He agreed with Nobuko Cleary's remarks regarding the pathway on Silent Hills Lane.

Commissioner Harpootlian replied that the Planning Commission did not have the authority to interpret existing agreements such as the one for road maintenance on Silent Hills Lane.

Charlie Perrell, Silent Hills Lane, said he maintained the unpaved pathway on his property between Eshner Court and Silent Hills Lane. Because Silent Hills Lane is paved, it made an excellent pathway. He would support granting a pathway easement over the Silent Hills Lane roadway as long as the other two property owners (Cleary and Pearson) were in agreement.

Kurt Anderson stated that there is little vehicular traffic on Silent Hills Lane. He felt a native pathway installed along the road would not be used; as people prefer to walk on a paved road surface instead of on the dirt. He thought the Town would not keep the proposed native pathway well maintained. He did not support the pathway on Silent Hills Lane but supported the pathway on Altamont Lane.

Commissioner Collins stated that essentially a request was being presented to the Planning Commission to allow abandonment of a pathway easement shown on the Town's Master Plan Map.

Staff explained that the requirement for a pathway on Silent Hills Lane was governed by the Town's General Plan Pathways Element. An amendment to the General Plan Master Path Plan would be needed if a pathway was deemed unnecessary on Silent Hills Lane. A connection to the off-road path between Silent Hills Lane and Eshner Court would still be completed by granting a pathways easement over the Silent Hills Lane roadway instead of an easement for a native roadside path on the applicant's property.

Courtenay Corrigan, Fremont Pines Lane and Pathways Committee member, opposed the request for a pathway on Silent Hills Lane. She felt it was an undue burden for a homeowner to have a pathways easement on three sides of their property. The three Silent Hills Lane homeowners and also another neighbor (Horton) did not want the pathway on privately owned Silent Hills Lane. The Altamont Road pathway is the most important pathway with this project. Changing the pathway easement from along the roadside to the roadway surface would be requesting the applicant to grant access to the private road also owned and maintained by two other homeowners. She suggested not including Silent Hills Lane and Altamont Lane on the public pathways map and allowing that portion of the pathways system to remain as it exists, used privately by the neighborhood residents. The pathways request is infringing on privacy while being a redundant loop.

CLOSED PUBLIC HEARING

Commissioner Collins said she felt challenged by the request for the pathways as required in the General Plan's Pathways Element for connection to the off-road path. She questioned the Planning Commission's authority to create an amendment to the General Plan Pathways Element to eliminate the connection. She agreed with some of the statements made that the Silent Hills Lane pathway was not in high demand. A resolution could be to continue with a General Plan amendment process, although the timing would be difficult for the applicant.

Commissioner Harpootlian said that the Master Pathways Plan placed a pathway between Eshner Court and Silent Hills Lane to connect the two cul-du-sacs. The pathways system provided important recreation for the residents of Los Altos Hills. If elimination of the pathway was being considered, direction from the City Council was needed. He did not favor removing the pathway; however, he did not see why the pathway easement must be along the roadside. A right-of-way easement could be granted over the paved road surface of Silent Hills Lane.

Commissioner Partridge said that many Town residents grow to appreciate the pathways system for its contribution to the public good even if their property had been impacted. It was important to maintain the connection of the off-road pathway between Silent Hills Lane and Eshner Court. A pathways easement granted over the paved portion of the Silent Hills Lane road surface owned by the applicant seemed a simple solution and would not change the way the road is currently being used by the public.

Chairman Abraham said that Courtenay Corrigan had expressed many of his thoughts very clearly. He appreciated her clarification that the Pathways Committee's recommendation had not been unanimous. He felt there was no reason to change the present pathways status in the neighborhood and favored leaving the situation as it now stands. The applicant had agreed to improve the pathway along Altamont Road, which was the logical pathway route for the area. A pathway on Altamont Lane would be a "pathway to nowhere".

OPENED PUBLIC HEARING

Commissioner Harpootlian asked Ann Duwe if the Pathways Committee considered the off-road pathway between the Perrell's and Cleary's houses as a pedestrian only path and if native pathways were useable for equestrians.

Ann Duwe said the pathway in question, like other off-road pathways, were open for equestrian use and native paths were suitable for horses.

Charlie Perrell stated that a map showing the pathway connecting Eshner Court to Silent Hills Lane was marked "PE" and his understanding was that this was not an equestrian path but a pedestrian only path.

Nobuko Cleary supported Mr. Perrell's statement and said that when the pathway was dedicated, she specifically urged that the path should be for pedestrians only.

Staff explained that all the Town's pathways are open for both pedestrians and equestrians.

Charlie Perrell suggested placement of signs at Eshner Court directing equestrians toward the Altamont Road pathway and away from the off-road path to Silent Hills Lane.

CLOSED PUBLIC HEARING

MOTION MADE, AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Collins and seconded by Commissioner Harpootlian to approve the requested Site Development Permit and Grading Policy exception for the new residence per the findings in Attachment 2 and subject to the conditions of approval in Attachment 1; amending condition #27 to read "The property owner shall dedicate a pathway easement over the paved portion of the Silent Hills Lane half-width right-of-way for public pedestrian and equestrian use. The property owner shall provide legal description and plat exhibits that are prepared by a registered civil engineer or a licensed land surveyor and the Town shall prepare the dedication document. The dedication document, including the approved exhibits, shall be signed and notarized by the property owners and returned to the Town, *prior to acceptance of plans for building plan check.*" Also, amend condition #28, striking the words "and Silent Hills Lane".

AYES: Commissioners: Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None
ABSENT: Commissioner Clow

This approval is subject to a 22 day appeal period.

- 3.2 LANDS OF ROELANDTS, 26401 Eshner Court; File #191-10-ZP-SD; A request for a Site Development Permit for landscape screening for a 5,005 square foot two story new residence with a 2,845 square basement and 730 square foot detached garage, approved on September 4, 2008. CEQA Review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for the landscape screening plan for a new residence and detached garage approved by the Planning Commission on September 4, 2008. Because two neighbors had expressed concerns over privacy impacts at the 2008 public hearing, the landscape screening plan was required to be reviewed by the Planning Commission. One heritage oak tree had been removed with Planning Commission approval, which was to be replaced with three 48" box oaks. A new six foot tall wrought iron fence along the front property line was proposed with the landscape application. The neighbor to the north of the Roelandt's property (Chan) had requested additional screening along the northern boundary line to provide more privacy.

OPENED PUBLIC HEARING

Shad Shokralla, project manager, said that he had presented the landscape screening plan to the neighbors (Cleary and Oldberg) and answered their questions. Nobuko Cleary had requested additional screening to mitigate the view of the Chan's tennis court area from her property.

Commissioner Partridge asked if there had been contact with the Chans regarding the landscape screening plan.

Shad Shokralla replied that there had been no recent communication with the Chans. The main concerns expressed by the Chans at the public hearing for the new residence had been the "gap" in the screening near the southeast corner of their tennis court and the bathroom windows facing their house. One of the required replacement 48" box oak trees would provide screening near the tennis court and fruit trees would help block the bathroom windows from view.

Commissioner Harpootlian commented on the large number of deciduous fruit trees on the landscape screening plan and the anticipated high water usage. He asked why more evergreens had not been proposed to provide more year round cover.

Shad Shokralla said the water use of the fruit trees should be offset by the absence of lawn in the landscaping. No existing screening will be removed and additional plants may be incorporated into the plan if required.

Willem Roelandts, applicant, explained that providing privacy was in his best interest also and offered installation of additional trees and shrubs. The proposed fruit trees were to be planted for his family's use.

Commissioner Partridge felt that additional screening was needed to screen the view of the new residence from the Chan's property. The strawberry trees would not grow tall enough to provide screening for the second story.

Nobuko Cleary, Silent Hills Lane, requested installation of one or two evergreen trees along the north property line, behind the detached garage, to reduce the view of the Chan's house.

Charlie Perrell, Silent Hills Lane and property owner on Eshner Court, supported the Roelandts' landscape plan.

CLOSED PUBLIC HEARING

Commissioner Collins supported the landscape plan and felt the screening was adequate.

Commissioner Harpootlian commented that the landscape screening plan did not have enough evergreen trees to screen the house during all seasons. He was concerned that the number of deciduous trees used in the screening plan would make the landscape look barren during the winter. He suggested the addition of approximately six evergreens to be spread throughout the landscape, with staff's approval on the location, with consideration given to the area mentioned by Nobuko Cleary.

Commissioner Partridge concurred.

Commissioner Collins suggested placement of evergreens in the front yard.

Willem Roelandts stated that twenty or thirty oak trees currently existed on the property. Many more shrubs, than were shown on the submitted landscape screening plan, were planned for installation.

Chairman Abraham said the landscape screening plan was adequate for all the neighbors. He supported the suggestion of additional evergreen plants.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Harpootlian and seconded by Commissioner Collins to approve the requested Site Development Permit with the addition of six evergreen trees of any types currently shown on the landscape screening plan with the placement of these trees to be confirmed with staff.

AYES: Commissioners: Collins, Harpootlian, Partridge, and Chairman Abraham

NOES: None

ABSENT: Commissioner Clow

This approval is subject to a 22 day appeal period.

4. OLD BUSINESS – none.

5. NEW BUSINESS – none.

6. REPORTS FROM CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for November 18 – Commissioner Clow
- 6.2 Planning Commission Representative for December 16 – Commissioner Partridge
- 6.3 Planning Commission Representative for January 20 – Chairman Abraham

7. APPROVAL OF MINUTES

- 7.1 Approval of November 4, 2010 minutes.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Collins and seconded by Commissioner Partridge to approve the November 4, 2010 minutes as presented.

AYES: Commissioners: Collins, Partridge, and Chairman Abraham
NOES: None
ABSTAIN: Commissioner Harpootlian
ABSENT: Commissioner Clow

8. REPORTS FROM SITE DEVELOPMENT MEETINGS – NOVEMBER 2 AND NOVEMBER 30, 2010

- 8.1 LANDS OF CALIFORNIA WATER SERVICE, Station 112 at Lenox Way and Fremont Road; Assessor's Parcel #175-29-009; File #140-10-ZP-SD; A request for a Site Development Permit and a height Variance for an eight (8) foot tall solid wood perimeter fence. CEQA review: Categorical Exemption per Section 15303 (e) (staff-Brian Froelich) (approved with conditions).
- 8.2 LANDS OF KAHNG, 26750 Robleda Court; File #90-10-ZP-SD; A request for a Site Development Permit for landscape screening for a 5,156 square foot two story new residence with a basement, cabana, and swimming pool approved on March 5, 2009. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz) (approved with conditions).
- 8.3 LANDS OF MITCHELL, 25581 Elena Road; File #172-10-ZP-SD; A request for a Site Development Permit for a 732 square foot single story addition and major remodel (maximum building height 16'). CEQA review: Categorical Exemption per Section 15301 (e) (staff-Brian Froelich) (approved with conditions).

9. ADJOURNMENT

The meeting was adjourned by consensus at 9:22 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary